IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Dated Nainital the 6th of December 2005
Bail Application No 1047 of 2005

Rakesh Singh Bisht
S/o Shri Kishan Singh Bisht
S/o Saijana Bhoriya
Police Station Khatima
District Udham Singh Nagar applicant

Versus

State of Uttaranchal opposite party

Arising out of case Crime No.88/2005
Under Section 302/307/506 IPC,
Police Station Khatima,
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No.88 of 2005 Under Sections 302/307/506 IPC. Police Station Khatima. District Udham Singh Nagar.

Heard Ms Pushpa Joshi, learned counsel for the applicant, learned AGA, Sh. B.S Khanka ,learned counsel for the complainant and perused the record.

According to the prosecution case applicant assaulted Kharak Singh with country made postol and said Kharak Singh succumbed to injuries. The applicant also assaulted Pushpa Devi with a sharp edged weapon called *' Hansia'*.

The medical examination report of Kharak Singh shows that he sustained gun shot injuries on his person and he died of the same.

The Medical examination report of Pushpa also shows that she sustained incised wound on her hand.

I have perused the statement of Pushpa Devi who is the real sister of the applicant as such I find do no reason on disbelieve as to why Pushpa Devi will falsely implicate her own real brother leaving aside the real culprit.

On the above facts and circumstances, I do not find any ground to enlarge the applicant on bail at this stage.

Accordingly the bail application is rejected.

(B.C. Kandpal, J.)

6.12.2005
nbj